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REMARKS

By the above actions, claims 1, 4, 9-14 & 16 have been amended. In view of the above actions and the following remarks, reconsideration of this application is requested.

Claim 16 was rejected under USC § 112 as being indefinite. By the above actions, all of the areas of indefiniteness have been corrected. In particular, the reference to claim 1 has been deleted and proper antecedent basis provided for all terms. In addition, while not noted by the Examiner, the inappropriate "one of" term has been removed from claims 4 & 9-14.

Claims 1-4, 9-14 & 16 have been rejected under USC § 103 as being unpatentable over the Hypolite et al. publication when viewed in combination with the reference and the Rhiu and Miller et al. patents. These rejections are inappropriate for the following reasons and especially to the extent that they relate to the claims as now presented.

Firstly, the Examiner's attention is directed to the definition of the expression "chemotactic factor substance" in paragraph [0031] as a chemical factor substance which is used as a stimulation source for manifestation of the chemotactic property of cells with the chemotactic function with the specific examples of such substances given being insulin, aspartic acid, and 3',5'-cyclic AMP (3',5'-cAMP = 3', 5'-cyclic adenosine monophosphate). Furthermore, in accordance with the method of claim 1, "the chemotactic factor substance is correspondingly degenerated dependent on the amount of irradiation to produce a concentration gradient of the chemotactic factor substance in the film." In the case of claim 16, it is the concentration gradient of an adhesive substance in a film that is produced by irradiation.

Hypolite et al. do not disclose irradiation for the purpose of degenerating a chemotactic substance or an adhesive in an adhesive film a base treatment film. Instead, they teach irradiation for the synthesis of chemical bonding between a substrate and a photoreactive linking agent of a protein by the successive linkage of a linking agent to the protein and the linking-agent-protein complex to the substrate. Thus, the more complex method of Hypolite et al. bears no relation to the method of the present application apart from the fact that both irradiation. As for the Examiner's comments at the top of page 4 relative to page 662, second column, last paragraph, it is noted that nothing in that paragraph is

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suggestive of that which is disclosed and claimed by the present applicant and that [t]here is nothing in the statutes or the case law which makes 'that which is within th capabilities of one skilled in the art' synonymous with obviousness" *Ex parte Gerlach and Woerner*, 212 USPQ 471 (USPTO Bd. Of Ap. 1980) and that the fact that a modification could be made does not make it obvious absent a teaching of the desirability of doing so, *In re Gordon*, USPQ 1125 (Fed. Cir. 1984).

The Ogawa et al. reference relied upon by the Examiner as a disclosure of pattern forming using a photo mask and UV light cannot provide the necessary teaching to lead to a modification of Hypolite et al.'s method into that of the present invention since Ogawa et al.'s disclosure relates to an entirely different field and uses light for removal of polymeric material but not for chemical linkage as is performed in accordance with the process of the Hypolite et al. reference. Thus, no logical reason would exist to combine the teachings of these two references.

Furthermore, even if these two references are combined, the result could not lead to the present invention since neither reference relates to the use of light to degenerate chemotactic factor substance to produce a concentration gradient of the chemotactic factor substance in a film or of an adhesive substance in an adhesive film of a base treatment film. In this regard, it is pointed out that Ogawa et al. either complete preserve or completely remove their film, no suggestion exists to achieve anything inbetween as would be the case if a gradient were to be produced. The Examiner imagined motivations set forth on page 5 of the Action are entirely illusory, bearing no relation to what is actually taught in the Ogawa et al. and Hypolite et al. references and merely being an attempt to rationalize a hindsight combination of references that are unrelated to each other and the present invention for the purposes arriving at something approximating that which has been disclosed and claimed only by the present applicant.

The Rhieu patent relates to a method of ashing or cleaning semiconductive wafers, i.e., to cleaning method in which organic impurities are decomposed under the influence of oxygen radicals (col. 3, lines 31-35) and heat (approximately 250° C to 275° C; col. 4, lines 2

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& 3). This method is unsuited for the preparation of defined chemotactic factor substance gradients or of an adhesive substance in accordance with the presently claimed invention, and has nothing to do with the processes of either the Hypolite et al. publication or the Ogawa et al. reference. Thus, it would not be obvious to combine Rhieu's teachings with those of the Hypolite et al. publication and the Ogawa et al. reference for any reason, let alone so as to arrive at the present invention.

The Miller et al. patent relates to a lithographic patterning process for use in fabricating semiconductor devices by which layers of varied thickness are formed via exposure through a mask which partially blocks the exposure light. Here again is yet another disclosure that is unrelated to both the subject matter of the present invention and that of Hypolite, not to mention also being unrelated to cleaning process of Rhieu.

It is submitted that the Examiner's contrived combination of four references that are unrelated to the present invention and each other, and the lengths gone to in an attempt to justify combining them represent a clear case of improper hindsight utilization of applicant's own disclosure and more forcefully demonstrate the unobviousness of the present invention than its obviousness. However, in an effort to advance prosecution, both of the independent claims 1 & 16 have been amended to specify that the exposure light used for irradiating the film is "light emitted from an excimer lamp having a bright line at 172 nm." Use of this type of exposure light is taught by the present applicant in paragraph [0044] of the present application and is not taught for use in Hypolite et al.'s method, either by Hypolite et al. or any of the other applied references. Furthermore, claim 1 has been amended to define the chemotactic factor substance as being one the insulin, aspartic acid and 3',5'-cyclic adenosine monophosphate materials given as examples in the definition of chemotactic factor substance in paragraph [0031].


In view of all of the foregoing, reconsideration and withdrawal of the outstanding rejection under § 103 is in order and is now requested.

While this application should now be in condition for allowance, in the event that any issues should remain after consideration of this response which could be addressed through

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discussions with the undersigned, then the Examiner is requested to contact the undersigned by telephone for that purpose.

Respectfully submitted,

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